

SETBACK FOR ROCKAWAY PARK

TITLES TO THE LAND ARE TO BE INVESTIGATED.

That Board of Estimate Will Have a Chance to Take Up the Project Again—Government's Right to the Property at Issue—Few Appropriations Made

The Board of Estimate passed up yesterday the scheme to build a seaside park at Rockaway. The project now rests with the incoming board. Ever since it was first introduced the members have been divided on the question. Mayor McClellan, Comptroller Metz and President McGowan have hitherto favored the purchase of the site, but the other members of the board have been generally opposed to it, principally on the ground that the poor would not be able to avail themselves of the park because of the 25 cent fare.

This argument, however, had little weight with members who favored the park, and there is no doubt that the resolution authorizing the city to acquire the site by condemnation would have been passed at the last meeting of the board but for the fact that President Coler of Brooklyn asserted that the reputed owners of the property could not give the city a clear title to it. Since then Mr. Coler has been in Washington investigating the records of the property, and he explained yesterday that he had found that as far back as 1835 the site belonged to the Federal Government and was used for a life saving station and for a light-house. Since then the action of the tides has added about 10,000 feet to the shore line beyond the property owned by the Government and the property in question. These accretions of land are now claimed by private owners, but Coler said yesterday that if the Federal Government cared to claim the land he had no doubt that it could prove its right to the property.

Coler said further that he had been informed by Attorney-General Wickham that a realty company which claimed part of the land needed had on November 21 brought suit in the Municipal Court at Jamaica to dispossess a life saver who had a shanty on the property. This man, Morris Castine, refused to pay rent for his shanty on the beach, but the Government property and threatened that if any attempt was made to evict him he could depend on the protection of the Government authorities. The result was that the case was adjourned for an adjournment of the case until December 24. Mr. Coler said that the reason for the adjournment was undoubtedly the fact that the realty company to get into conflict with the Federal officials.

The result of the discussion was that President McGowan of the Board of Estimate moved that the Corporation Counsel be asked to make an investigation of the title to the lands at Rockaway Point, especially with regard to present ownership or claims of ownership, and as to what rights, if any, are possessed by the city of New York, State of New York and the United States Government. Mayor McClellan, who has been an advocate of the park hitherto, said the questions involved were too serious to be passed upon without a thorough investigation, and for that reason he intimated that he would not vote on the question, which was finally passed without dissent.

During the discussion Comptroller Metz, who was notified of the opposition to what had become a pet plan of his, remarked that Mr. Coler had at one time tried to buy the property. Mr. Coler did not answer Mr. Metz during the meeting, but afterward he said that he had never personally been interested in any deal for the purchase of the property, but that in 1903 a syndicate was formed to buy the land and that he had been a member of that syndicate, and that whatever part he, Mr. Coler, took in the negotiations were in the interest of that client.

Mayor McClellan made good yesterday on the promise he made in the early part of the week that he would not vote for any appropriations in the Board of Estimate for public improvements that were not imperatively needed. Resolutions calling for the appropriation of more than \$4,000,000 were on the calendar, but outside of a grant of \$500,000 for the Public Service Commission and a few salary provisions all the items were on the motion of the Mayor laid over to be dealt with by the new board.

A POINT FOR BINGHAM

Appellate Division Supports His Contentions in Suit Against Gaynor.

Gen. Theodore A. Bingham got a favorable decision from the Appellate Division of the Supreme Court yesterday on his appeal from the order of Supreme Court Justice Brady striking out many allegations of his complaint in his suit for \$100,000 alleged libel against Mayor-elect Gaynor.

The allegations stricken out referred to Gen. Bingham's previous army record and his service as superintendent of the White House grounds under President McKinley. He also told Mr. Gaynor's standing in the community, holding that these facts relating to himself and Mr. Gaynor damaged the extent to which he was defamed, Justice Houghton, writing for the Appellate Division, held that the allegations were material and that the defendant had a right to show actual malice or in aggravation of damages.

Justice Houghton says that Gen. Bingham has the right to show in his complaint if he saw fit that he told Mr. Gaynor of the true state of affairs with respect to the Duffy case before the defendant published the alleged libel, for the purpose of showing personal ill will, a desire to do harm.

He says this is necessary to support Gen. Bingham's claim for punitive damages, in addition to mere compensation for wrong, by which he must show express malice as distinguished from the legal malice which the law imputes to a publication of false defamatory matter.

N. Y. CENTRAL ASKS TIME

Unable to Finish Terminal Improvements on the Date Promised to the City.

When the New York Central obtained permission to depress its tracks in part of Park avenue and succeeded in having some of the crossing streets closed to provide for the reconstruction of the Grand Central Station it was provided by the city that the work should be finished by December 31, 1909. It was further provided that heavy penalties should be imposed for delay.

The company has been unable to carry out the obligation it made and applied yesterday to the Public Service Commission for an extension of time to January 30, 1910. Referring to the investigation of the work which has been done and of the time which will be required to complete it. As a preliminary to this investigation the commission will hold a public hearing on December 24.

RIGHT HOUR LAW INVALID.

Texas Court Holds That It Conflicts With Federal Decree's Law.

DALLAS, Tex., Dec. 17.—The State law enacted at the last legislative session fixing an eight hour work day for telegraphers has been held invalid in a decision by the Court of Civil Appeals. The court holds that the State law conflicts with the Federal statute which provides for a four hour day for dispatchers. The opinion upholds Judge Hightower of Tarrant county in deciding a suit against the New Orleans Railroad.

ONLY SIX CORRESPONDENTS NOW.

Court Reserves Decision as to Reducing the Number to Three.

Frederick L. Higgins, one of the correspondents named by Edwin E. Martin in his suit for divorce from Etta H. Martin, testified yesterday before Justice Crane in the Supreme Court in Brooklyn as to his relations with the defendant. He said that he is a tenor singer in the choir of the Summer Avenue Methodist Church of which Mrs. Martin was directress; that he was very friendly with the latter and often saw her home after choir practice and sang with her, even after her separation from her husband, but that their intimacy went no further than that.

Stephen H. Baldwin of counsel for Martin caused a stir by asking the witness if he had ever sung anything besides religious songs; for example, "There'll Be a Hot Time in the Old Town To-night." Higgins made a hasty denial and Justice Crane ordered both question and answer stricken from the record. Several other witnesses testified for the defense. Some of them said that they had seen Mrs. Martin sitting in the front window on the second floor of her home at 414 Hancock street, smoking cigarettes; that they had seen her take a man in and keep him there all night, and others claimed to have seen her act indiscreetly, or worse. The defendant flatly to which she moved after separating from her husband.

Most of the testimony given so far, however, is about alleged offenses claimed to have been committed by her husband. Offenses alleged before he decided to bring suit—or about supposititious offenses that rest largely on circumstantial evidence. The only really direct evidence was that furnished by the negro maid-servant, Mary Woods.

So a motion was made yesterday to strike out the names of several of the correspondents. Justice Crane decided that such action was justified in the case of "one Knapp, occupation unknown," but in the cases of Dr. William C. Woolsey, Fred Iglehart and Higgins he decided to reserve action until all the testimony is in. If all these are eliminated it will leave Dr. De Beers, the Boston dentist; Lem Hall, the college baseball player, and Frank H. Morris, the lawyer, the only correspondents.

A MAN FRIDAY IN TOWN.

But Gov. Denen's Friends Don't Recognize the Newcomer.

After the arrival of the early trains from the West yesterday morning a tall, heavily mustached man blew into the Hotel Belmont and scrawled on the register "O. D. Buchecker, Three Forks, Mon." Underneath he wrote, as if parenthetically, "Gov. Charles S. Denen's Man Friday."

"Sorry," said the busy clerk, "we have no rooms as yet."

"What?" by the great jumping Jehosophat! Do you mean to tell me there isn't a bed to be had in this skyscraper?"

The clerk pointed to the long list of names on the register to which rooms had not yet been assigned. The departures for the day had not begun and rooms could only be assigned as fast as some body went away. He suggested to the visitor that he drop in again later in the day.

He did, about the middle of the afternoon, but his room was still unassigned. "Was in Chicago night before last," he confessed to the clerk.

"So?" returned the clerk.

"Yes, for a reason," said the man, "I thought I was crazy, but I asked for the best in the house. There was a pretty comfortable bed in it, but shucks! that bathtub was so full of water it would spoil it by getting in it. No room yet? Well I guess I'll drop here to-morrow. I've got a typewriter somewhere in my land and I'll get it right now. I'll go over and trail that," he left.

A friend of Gov. Denen who is stopping at the hotel told the management that so far as he knew the Governor had never had a "Man Friday," and the room clerks are going to ask Mr. Buchecker if he shows up to-day how he got the title.

CITY COLLEGE APPOINTMENTS.

Dr. Sikelof, Professor of Natural History—Prof. Winslow, Associate in Biology.

The board of trustees of the College of the City of New York has appointed Dr. Ivin Sikelof professor of natural history. He is a graduate of the college and took his doctor's degree in medicine in the New York University medical school. He spent several years in research. From 1878 to 1883 he was curator of the college and from 1883 to the present time he has been tutor, instructor, assistant and associate professor in natural history. He was also curator and afterward assistant professor in chemistry and physics in the New York University medical college from 1880 to 1886, and from 1886 to 1906 assistant professor of zoology and comparative anatomy in the University medical college. He has been the acting head of the department of natural history since the death of Prof. Stratford.

The board has appointed as associate professor of biology Charles Edward Amory Winslow of Boston, at present associate professor of the Massachusetts Institute of Technology. He received his degree of B. S. in biology in 1898. He became assistant in that institution in 1900, was made instructor in 1902, and assistant professor of sanitary biology in 1905. In 1903 the sanitary research laboratory was organized as a station for the study and dissemination of knowledge with regard to sanitary questions was founded at the institute. Prof. Winslow was made biologist in charge, which place he has held since.

DETECTIVES GET IT TOO.

Increase of Pay for Lieutenants Applies to First Grade Detectives.

The increase of \$250 a year for police lieutenants, which was recently voted and approved, will apply also to the pay of the first grade detectives. Commissioner Baker's Corporation Counsel Pendleton for his opinion on this subject, announced his decision yesterday.

The Corporation Counsel said that under the so-called Bingham law of 1907, which abolished the rank of detective sergeant and substituted for it that of first grade detective, the pay of first grade detectives must be the same as that of lieutenants. The increase in the pay of the first grade detectives, therefore, is a matter of course.

There are 628 lieutenants and 20 first grade detectives in the department. Beginning with the month of January they will all be paid at the rate of \$2,250 a year instead of \$2,000.

Commissioner Baker said the surplus from the budget for 1909 would be enough to meet the increase for the month of December. The budget for 1910, which was presented on July 15, contained no such increase of pay and the Commissioner said he thought there would have to be a sale of special revenue bonds for the purpose.

New Appellate Division Court Rules.

The Judges of the Appellate Division of the Supreme Court formulated yesterday new rules for the court, the chief of which changes the hours for sessions from 10 a. m. to 2 p. m.

The new rules provide that the court shall sit at 10 o'clock on Mondays, Wednesdays and Fridays, and at 2 o'clock on Tuesdays and Thursdays. The old rule provided for sessions at 10 o'clock on all days except Saturdays and Sundays. The new rule also provides that the court shall sit at 10 o'clock on all days except Saturdays and Sundays. The new rule also provides that the court shall sit at 10 o'clock on all days except Saturdays and Sundays.

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If I could take you into my large factories at Brooklyn, Mass., and show you how carefully W. L. Douglas shoes are made, you would see why they hold their shape, fit better, wear longer, and are of greater value than any other make.

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NEW YORK CITY: 93 Nassau Street, cor. Fulton St. 755 Broadway, cor. 8th Street. 853 Broadway, cor. 14th Street. 1549 Broadway, cor. 58th St. 1437 Broadway, cor. 41st St. 984 Third Avenue, near 50th St. 1452 Third Avenue, near 82nd St. 2202 Third Avenue, cor. 120th St. 2779 Third Avenue, between 146th and 147th Streets. 856 Sixth Avenue, cor. 32d St.

BROOKLYN, N. Y.: 421 Fulton Street, corner Pearl. 705 Broadway, corner Thornton. 1007 Broadway. 1367 Broadway, cor. Gates Ave. 475 Fifth Avenue, cor. 11th St. NEWARK: 785 Broad Street. JERSEY CITY: 18 Newark Ave.

BALLOT REFORM SUGGESTIONS

CLUB CONFERENCE TAKES UP THE SUBJECT.

John R. Dos Passos Writes to Legislative Committee That Professional Politicians Are Necessary—Thing to Be Done Is to Make Them Good and Stay So.

There was a conference on ballot reform at the City Club yesterday afternoon by representatives of the Union League Club of Brooklyn, the Republican Club, the Merchants Association, the Central Federated Union, the Brooklyn Young Republican Club, the Cleveland Democracy, the Independent Club of the West Side and the City Club. Among those in attendance were Almet R. Latson of the Union League Club of Brooklyn, C. B. Smith, Mr. Seldon of the Cleveland Democracy, Horace E. Manning, Joseph Lewinsohn of the Republican Club, Mr. De Berard of the Merchants Association, James H. Hatch, president of the Central Federated Union, Mr. Kershaw of the Brooklyn Young Republican Club, and Mr. Benkard, former secretary of the Citizens Union.

The meeting resolved itself into a sort of provisional committee to secure if possible a reasonable ballot reform. The sense of the meeting was that there should be no attempt to force the Massachusetts ballot upon the people, but that an effort be made to secure a real improvement of the ballot this year. The committee on plan and scope was appointed, to report at the next conference, which will be held at a time indicated by the committee, which consists of Almet R. Latson, Nelson S. Spencer, James H. Hatch, Horace E. Manning and Morgan L. O'Brien.

President Charles H. Strong of the City Club presided.

John R. Dos Passos yesterday sent to the legislative committee which is investigating primary elections a carefully prepared paper dealing with the question of the direct primary, and incidentally he pronounced himself strongly against the Australian ballot because of its secrecy. The committee was to have met yesterday at the Murray Hill Hotel, but the meeting was postponed because of the death of Senator Barnes. Mr. Dos Passos in his paper is emphatic against the direct primary. His paper says in part:

Why citizens who fail to elect proper representatives as delegates to conventions or legislators should be expected to exercise more discrimination in electing representatives is a question that has not been asked and all officers were nominated and elected directly I cannot understand. It seems to me that the occupation of the professional politician is becoming more and more necessary accompaniment of our institutions.

There is no man to-day who has the courage to speak from his actual convictions who would not if it were practicable carry out his convictions. In a pure democracy there are no intervening agents or departments. The people meet together and decide their questions viva voce and directly vote upon them. A nation of 55,000,000 cannot be governed except by representation.

We must recognize that professional politicians are a necessary and the more respectable we make the occupation the better government we will have. The professional politician is the last modern creation which, fully armed and equipped, has sprung from the brain of our great republic. The reformers who are treating for a skin disease when the vital organs are affected.

To give the voter the direct power to nominate is to substitute an infinitely worse evil than that which now exists. For each one of the two or three candidates we should have many. Political moderns are a quality already sufficiently rare, would soon disappear and each citizen would feel that he was as good as another for a given office. The demagogue would come to the surface—not disguised as a patriot but in his real costume—and then confusion worse confounded.

The Australian ballot converts a free man into a species of sneak. He is instructed that the greatest boon a free man may enjoy is to be exercised in the dark.

FOR AUTOMOBILE HIGHWAYS.

Request That a Start Be Made on the New Manhattan Bridge.

Israel Ludlow, attorney for the Twentieth Century Auto Touring Company, yesterday forwarded a request to the Department of Bridges that two of the roadways on the new Manhattan Bridge be set aside for the exclusive use of automobiles. Mr. Ludlow believes in that time special roadways without grade crossings will be constructed in all parts of New York city for the use of motor driven vehicles and regards the Manhattan Bridge as an opportunity to make a trial of the advantages of that system.

Winthrop Scarritt, a member of the Automobile Club of America, has also suggested that the crowded parts of Broadway be confined to the use of propelled vehicles, as their facility for moving rapidly would prevent traffic from being held up. Mr. Scarritt believes that horse drawn conveyances should be limited to less crowded districts.

Boys & Young Men

We have, at our Broadway Store, a Special lot of 100 Suits for Boys and Young Men from 15 to 21 years that we have marked at two prices for a quick sale:

\$15.00
For Suits that were \$16.50 to \$22.00.

\$18.00
For those that were \$25.00 to \$28.00.

We are making a splendid showing just now of Scarfs, House-Coats and Umbrellas for Christmas Presents.

Cooper Square & Brooklyn Stores Open this evening.

Browning King & Company

Brooklyn at 32nd Street

Cooper Square at 5th Street

Fulton Street, Brooklyn

Before we give Santa a list

of things men wish for and we have, we'll suggest an Xmas bargain:—

135 house coats or smoking jackets.

Double faced cloths of attractive dark patterns.

\$9.00 value.

\$6.35.

If that won't do, here are other suggestions:—

Suit Cases

Traveling Clocks

Both Hobes

Umbrellas

Shirts

Opera Hats

Hat Cases

Safety Razors

Cases

Gloves

Handkerchiefs, fancy

Silk Socks

Dressing Cases, fitted

Motor Clocks

Motor Flower Vases

Fur Cases

Woolen Jackets

Waistcoats, Scotch knitted

Golf Balls

Slippers, house

Moccasins, for bedroom slippers

Scarf Pins

Glove Liners

Waistcoat Buttons, in sets

Mufflers, knitted, English

Perfumes or Colognes

Writing Cases, fitted

Collar Cases, collapsible

Brush Cases, leather

Traveling Bottles, in cases

Pocket

Ask Receptives

Spinning Spools

Clock Novelties

Watch Winders

Bridge Tables

Head Bands, leather, for motor

Smoking Jackets

Shirt Caps, leather

Traveling Slippers, folding

Bill Cases, leather

Walleys, leather

Journal or Traveler's Boxes, leather

Cigarette Cases, leather

Cigar Cases, leather

Tobacco Pouches, leather

Match Cases, leather

Foot Rests, leather, for motor

Letter Cases, leather

Card Cases, leather

Traveling Bags

Steamer Bags

Golf Handkerchiefs

Military Brushes

Goggles

Collar Fasteners

Shaving Shaves

Folding Umbrellas

Motoring Lap Robes

Scotch Caps, for motor

Shaving Mirrors

Thermos Bottles

Thermos Flasks

Thermos Pitchers

Spring Trunk Carriers

Smart Racks

HIT THE GIRL AGAIN.

Isaac Spector Convicted of Second Assault on Working Shirlwaist Girl.

For the second time since the shirlwaist strike began Isaac Spector, a cutter living at 387 Cherry street, was arrested for assaulting Ida Davidowitz, a non-union shirlwaist maker, of 104 Lewis street, and for a second time he was found guilty. The assault occurred on Thursday evening in East Houston street. Spector was convicted yesterday in the Essex Market court.

With Spector at the time of the second assault were Ida Janowitz of 325 Madison street and Ida Gooker of 87 East Fourth street. Both are strikers. They followed the Davidowitz girl and her escort, Solomon Moskowitz of 259 Stanton street, from the Triangle Waist Company's factory in Washington place toward the East Side, setting upon them at Essex and Houston streets.

The Davidowitz girl's hair was pulled and Moskowitz received several blows in the face. Detective Cullen saw the fracas from a nearby doorway and arrested the assailants.

For his first assault on the Davidowitz girl Spector served five days in the workhouse. The reformers who called for his arrest had been on only a short time when he committed this second offense.

"I shall not send you back to the workhouse," said Magistrate Kretel yesterday, "but I shall inflict the heaviest fine the law allows me to inflict, \$10, on each of you, with a warning that if you come here again you shall receive the severest punishment that I can give you."

The three paid their fines.

CLEWS CO. WON'T SHOW BOOKS.

Brokers Refuse to Have Expert Hunt Out Warriner's Speculation Losses.

CINCINNATI, Dec. 17.—In a letter received by County Prosecutor H. L. Hunt to-day from Henry Clews & Co., New York brokers, the latter refused to allow an examination of their books by the agent of the prosecutor.

Hunt recently asked permission of the brokers to put in a disinterested auditor to examine the books in connection with the alleged speculations of Charles L. Warriner, who is now in jail charged with embezzlement of a large sum of money from the Big Four Railroad.

The brokers reply that they allowed an expert of the Big Four to go over their books and that he got the Co., New York brokers, the latter refused to allow an examination of their books by the agent of the prosecutor.

Mr. Hunt declares that he has been informed that the Big Four representative merely got a slip showing what the brokerage firm said were Warriner's net losses through speculation. The total was \$17,000. The expert, Hunt says, was denied direct access to the company's books.

A conference will be held on Monday between Judge Woodmansee and the prosecutor and Warriner's attorneys, when the date for the Warriner trial will be set.

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BUOU B'WAY and 50th St. Evs. 8.15. GYLIS SCOTT IN THE LOTTERY MAN.

LYRIC 43d West of B'way. Evs. 8.15. LAST WEEK HERE. Next Week at Casino.

WHITNEY THE CHOCOLATE SOLDIER. OPERA CO. 10th St. Evs. 8.15. TUES., DEC. 21. On Sale.

THE CITY

NACKET THEATRE, 43d St. W. of B'way. Evs. 8.15. Mat. 2.00. 2.15. 2.30. 2.45. 2.60. 2.75. 2.90. 3.05. 3.20. 3.35. 3.50. 3.65. 3.80. 3.95. 4.10. 4.25. 4.40. 4.55. 4.70. 4.85. 5.00. 5.15. 5.30. 5.45. 5.60. 5.75. 5.90. 6.05. 6.20. 6.35. 6.50. 6.65. 6.80. 6.95. 7.10. 7.25. 7.40. 7.55. 8.10. 8.25. 8.40. 8.55. 9.10. 9.25. 9.40.